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Mavrix Photographs LLC

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MAVRIX PHOTOGRAPHS LLC, a limited
liability company,

Plaintiff,

v.

CLEAR CHANNEL
COMMUNICATIONS, INC., a Texas
corporation; and DOES 1-10 INCLUSIVE,

Defendants.

Case No.

**COMPLAINT FOR DIRECT,
CONTRIBUTORY, INDUCEMENT,
AND VICARIOUS COPYRIGHT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

Mavrix Photographs LLC (“Mavrix”), by and through their attorneys of record, complains against Clear Channel Communications, Inc. (“Clear Channel”) and DOES 1 through 10 (collectively, “Defendants”) as follows:

JURISDICTION AND VENUE

1. This is a civil action against Defendants for copyright infringement in breach of the United States Copyright Act, 17 U.S.C. §§ 101 *et seq.* This Court has subject matter jurisdiction over the copyright infringement under 28 U.S.C. § 1331, 17 U.S.C. § 501(a), and 28 U.S.C. § 1338(a) and (b).

FACTS COMMON TO ALL COUNTS

7. Mavrix Photo, Inc. (“MPI”) is a prominent celebrity photography agency based in Los Angeles. MPI licenses its photographs to its end customers, often popular publications like People or US Weekly.

8. On information and belief, Clear Channel owns and operates the website www.at40.com (the “Website”).

9. Despite having no permission, consent, or license to do so, Clear Channel has for commercial gain and purpose reproduced, publicly distributed, and publicly displayed—as well as made available specifically for third party’s download, display and public and private sharing—certain original photographs of superstar singer Katy Perry (the “Perry Photos”) belonging to Mavrix. Mavrix acquired all right, title and interest to the Perry Photos from MPI by way of a full assignment of all such rights, which previously were owned solely by MPI.

10. True and correct copies of the copyright registration certificates for the Perry Photos, and evidence of their infringement by the Defendants, are attached as **Exhibit “1”**.

FIRST CLAIM FOR RELIEF

(Copyright Infringement, 17 U.S.C. § 501)

11. Plaintiff Mavrix incorporates here by reference the allegations in paragraphs 1 through 10 above.

12. Mavrix is the owner of all rights, title and interest in the copyrights to the Perry Photos, which substantially consist of material wholly original with Plaintiff and which are copyright subject matter under the laws of the United States. Mavrix has complied in all respects with the Copyright Act and all of the laws of the United States governing copyrights. The Perry Photos have been timely (specifically for purposes of Plaintiff’s recovery of attorneys’ fees and statutory damages) registered with the United States Copyright Office.

13. Defendants have directly, vicariously and/or contributorily infringed, and unless enjoined, will continue to infringe Mavrix’s copyrights by reproducing, displaying,

1 distributing and utilizing the Photos for purposes of trade violation of 17 U.S.C. § 501 *et*
2 *seq.*, and still further by providing the public with the means to further “share” the photos
3 via social media platforms as seen in Exhibit 1 at their website.

4 14. Defendants have willfully infringed, and unless enjoined, will continue to
5 infringe Mavrix’s copyrights by reproducing, displaying, distributing and utilizing the
6 Photos for purposes of trade, and still further by providing the public with the means to
7 further “share” the photos via social media platforms as seen in Exhibit 1. This behavior
8 demonstrates willful infringement and, given Clear Channel’s awareness that the photos
9 were copyrighted to Mavrix, certainly reckless disregard of Mavrix’s rights under the
10 governing Ninth Circuit standard from the seminal Ninth Circuit *Louis Vuitton* case.

11 15. Defendants have received substantial benefits in connection with the
12 unauthorized reproduction, display, distribution and utilization of the Perry Photos for
13 purposes of trade, including by increasing the traffic to their website and through the social
14 media functions users can utilize as well as through the sales of commercial advertising that
15 are overlaid on the Photos (thereby also altering and damaging the public display of the
16 Photos).

17 16. All of the Defendants’ acts are and were performed without the permission,
18 license or consent of Mavrix.

19 17. As a result of the acts of Defendants alleged herein, Mavrix has suffered and is
20 suffering substantial damage to its business in the form of diversion of trade, loss of profits,
21 injury to goodwill and reputation, and the dilution of the value of its rights, all of which are
22 not yet fully ascertainable.

23 18. Because of the willful nature of the copyright infringement, Mavrix is entitled
24 to an award of statutory damages of up to \$150,000 per willfully infringed photograph as
25 well as its attorney’s fees in prosecuting this action. If other infringements are discovered
26 in this case, this pleading will be augmented accordingly or notice of additional
27 infringements will be otherwise filed and served in the case.

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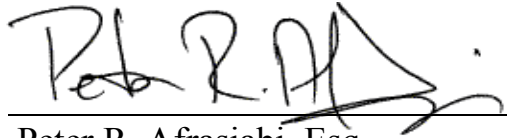
1 4. Requiring Defendants to account for and pay over to Plaintiff all profits
2 derived by Defendants from their acts of copyright infringement and to reimburse Plaintiff
3 for all damages suffered by Plaintiff by reasons of Defendant's acts, pursuant to 17 U.S.C.
4 §§ 504 (a)(1) & (b).

5 5. Actual damages for copyright infringement pursuant to 17 U.S.C. §§ 504
6 (a)(1) & (b).

7 6. That Plaintiff be awarded any such other and further relief as the Court may
8 deem just and appropriate

9
10 Dated: January 2, 2014

ONE LLP


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12 By: 
13 Peter R. Afrasiabi, Esq.
14 John Tehranian, Esq.
15 Attorneys for Plaintiff,
16 Mavrix Photographs LLC
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DEMAND FOR JURY TRIAL

Plaintiff Mavrix Photographs LLC hereby demands trial by jury of all issues so triable under the law.

Dated: January 2, 2014

ONE LLP

By: 
Peter R. Afrasiabi
John Tehranian
Attorneys for Plaintiff,
Mavrix Photographs LLC